



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2119

Mitt Romney
GOVERNOR

Kerry Healey
LIEUTENANT GOVERNOR

Ellen Roy Herzfelder
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

FOR IMMEDIATE RELEASE
July 1, 2005

CONTACT: Corbie Kump
617-626-1119

MA ENVIRONMENTAL AFFAIRS SECRETARY HERZFELDER ANNOUNCES
REFORMS TO THE MASSACHUSETTS ENDANGERED SPECIES ACT
Regulatory Reforms Effective July 1, 2005

Massachusetts Environmental Affairs Secretary Ellen Roy Herzfelder announced today that reform to the state's endangered species regulations – a top priority of the Romney administration – will be in place on July 1, 2005 when a comprehensive set of regulatory improvements take effect. This is the first major revision of the Massachusetts Endangered Species Act regulations since they were first published in 1992.

"I am extremely pleased to report that new Endangered Species Act regulations will be in place on July 1, 2005," Secretary Herzfelder said. "These reforms will make the review process easier to understand, more efficient, and will provide the Division of Fisheries & Wildlife's Natural Heritage and Endangered Species Program with the funds and staff necessary to review projects in rare species habitat and protect the Commonwealth's biodiversity."

The state's Endangered Species Act was passed in 1990 to provide legal protection for the state's vulnerable biological diversity. The law is administered by the Division of Fisheries & Wildlife (DFW) and currently protects 448 rare and endangered plant and animal species native to the Commonwealth, ranging from the Endangered Bog Turtle in limestone wetlands of the Berkshires to the Threatened Piping Plover, a shorebird which nests on coastal beaches. Within the DFW, the regulations are implemented by the Natural Heritage & Endangered Species Program (NHESP), which uses site-specific data on the state's endangered wildlife and plants. The major components of the regulation changes are:

- Clarified regulatory process.
- Clear definitions of Priority Habitat, Project or Activity and Net Benefit.
- New filing requirements and exemptions.
- Prescribed timeframes for an agency response.
- Provisions for appeals.

- more -

Integral to the changes is the implementation of a fee structure to pay for the services provided. A clear distinction is made between different types of MESA review: information requests, project reviews, and conservation and management permits. The fees will be deposited into the Natural Heritage & Endangered Species Fund to support the NHESP since the program receives no General Fund or other appropriation support.

“The protections for rare plants, animals, and their habitats under the Massachusetts Endangered Species Act are vital to ensure that the Commonwealth’s natural heritage is sustained for future generations,” said Christopher Hardy, Mass Audubon's Director of Legislative Affairs. “We are proud to have worked closely with the Division of Fisheries & Wildlife, the National Association of Industrial and Office Properties, and other stakeholders to craft a package of regulatory reforms and environmental review fees that make permitting procedures clearer and more predictable, while ensuring that Massachusetts continues to provide a strong safety net for our most vulnerable species.”

“The National Association of Industrial and Office Properties was pleased to have been part of the process to improve the regulation of endangered species, bringing predictability and timeliness to this program,” said David Begelfer, CEO of the Massachusetts Chapter of NAIOP. “This is clearly a win-win for the environment and the development community.”

The revisions to the MESA regulations were developed by the Division of Fisheries & Wildlife over the past year after careful consideration of the input from a variety of different interests such as the Massachusetts Audubon Society, the Massachusetts chapter of the National Association of Industrial and Office Properties, the Homebuilders Association of Massachusetts, foresters, utility companies and wetland scientists. The regulatory changes and fees will take effect July 1st.

The remaining phase of this reform effort is the completion of revisions to the habitat maps that trigger the MA Endangered Species Act regulations. The statewide coverage of all delineated habitat areas that contain endangered species known as ‘Priority Habitats’ are currently being revised and new maps will be completed by June 30, 2006. Partial interim map revisions have been made and are available on MassGIS at <http://www.mass.gov/mgis/> as NHESP Priority Habitats of Rare Species, July 2005. By mid-July, MassGIS will have available a web-based viewer with this new coverage.

More information about the new regulatory changes can be found at:
<http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>.

###